



Docket No.: 239954US2

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



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RE: Application Serial No.: 10/612,926

Applicants: Fujita TAKASHI, et al.

Filing Date: July 7, 2003

For: TRANSFER FIXING APPARATUS, FIXING
APPARATUS, TONER IMAGE FORMING
APPARATUS, METHOD, AND RECORD MEDIUM
RECYCLED METHOD

Group Art Unit: 2852

Examiner: Brase, S.L.

SIR:

Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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DOCKET NO: 239954US2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :
FUJITA TAKASHI, ET AL. : EXAMINER: BRASE, S.L.
SERIAL NO.: 10/612,926 :
FILED: JULY 7, 2003 : GROUP ART UNIT: 2852

FOR: TRANSFER FIXING APPARATUS, FIXING APPARATUS, TONER IMAGE
FORMING APPARATUS, METHOD, AND RECORD MEDIUM RECYCLED METHOD

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction/Election requirement of September 15, 2004, applicants elect, with traverse, the invention of Group I. Within Group I applicants elect Species I, and identify Claims 2-6 as reading on the elected species.

Applicants traverse the outstanding Restriction/Election requirement on the grounds that it has not been established that it be an undue burden to examine each of the noted inventions and claims together.

Under M.P.E.P. § 803, a Restriction/Election is not proper if a search and examination can be made without a serious burden on the Examiner, and the outstanding Restriction/Election requirement has not established that examining each of the currently-pending claims together would result in an undue burden.

M.P.E.P. § 803 specifically states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

The outstanding Restriction/Election requirement has not established that each of the claims could be examined without an undue burden, and thus each of the noted inventions and claims should be examined on their merits.

Respectfully submitted,

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